



Final Regulation Agency Background Document

Agency name	Commission on Local Government
Virginia Administrative Code (VAC) citation	1 VAC 50-20
Regulation title	Organization and Regulations of Procedure
Action title	Final Regulations
Document preparation date	December 1, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Language will be added to reflect amendments made to the Code of Virginia for property-owner initiated annexations, transition of city to town status, consolidations creating a new independent city, voluntary economic growth-sharing agreements, determination of city status, and additional public notice in the review of town-county agreements defining annexation rights.

Certain existing regulations will be transferred to the public participation guidelines.

In addition, other changes are proposed for the purpose of:

- 1) Increasing the authority of the Commission in the conduct of its proceedings;
- 2) Allowing for the electronic filing of exhibits and materials; and
- 3) Allowing for the pre-filing of direct testimony.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The Commission on Local Government approved the Organization and Regulations of Procedure at their regularly scheduled meeting on November 10, 2005.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 15.2-2903, Code of Va. gives the Commission on Local Government the discretionary authority to "...make regulations, including rules of procedure of procedure for the conducting of hearings." The Commission on Local Government within the Department of Housing and Community Development is the promulgating entity.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The proposed action is to update the regulations of the Commission on Local Government that are used by that body in their review of actions for municipal annexation, county immunity from city annexation, the transition of city to town status, the creation of a new independent city, and the establishment of an economic growth-sharing agreement, as well as certain other agreements between localities that settle interlocal issues. The regulations also address the powers of the chairman of the Commission, and the conduct of its meetings and its oral presentations and public hearings. The Commission's current regulations were last revised in November 1984. The proposed regulation amendments will address legislative changes adopted by the General Assembly since that date. Further, when the Administrative Code was created in the early 1990s, several important references to the Code of Virginia in the regulations were omitted by the editors of the VAC, chapter titles were unnecessarily truncated so as to make them useless and confusing, and some typographic errors were transferred wholesale from the old regulations to the VAC. Moreover, any remaining references to the Code of Virginia in the current regulations do not reflect 1997 recodification of Title 15.1 which requires users to have a cross-reference table at hand.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The proposed regulations will:

Define commonly used terms, repeal regulations duplicative of Code of Virginia provisions or administrative in nature, remove outdated or incorrect provisions, correct stylistic and heading problems, and correct typographic errors in the current regulations.

Add regulations to reflect additional responsibilities assigned by the General Assembly for:

- Property owner-initiated annexations
- Transition of city to town status
- Consolidations of localities that would create a new city
- Voluntary economic growth-sharing agreements
- Determination of continued city status

Give local governments additional options in complying with certain aspects of the Commission's regulations.

Give the Commission more flexibility in the administration of its proceedings.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) *other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

There are no disadvantages to the Commonwealth. The primary advantage to the Commonwealth will be increased efficiency in the operation and activities of the Commission through the updating of the regulations.

Unless private citizens or businesses are petitioning for the annexation of their property to a municipality, the new or amended provisions would have no impact on them.

The proposed regulatory action poses no disadvantage to the public.

There are no disadvantages to localities. The proposed regulations will ease some of the administrative requirements and provide additional flexibility.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
1 VAC 50-20-140	Any changes in the schedule and location of the Commission's regular meetings would be announced in The Virginia	Any changes in the schedule and location of the Commission's regular meetings would also be announced on the Virginia Regulatory Town Hall.	Recommended by the Department of Planning and Budget to increase public notification.

	Register.		
1 VAC 50-20-142	No public notice of called special meetings of the Commission.	Notice of special meetings would be announced in The Virginia Register and on the Virginia Regulatory Town Hall.	Recommended by the Department of Planning and Budget to increase public notification.
1 VAC 50-20-150	Copies of minutes of Commission's public meetings available at cost to cover the expense incurred.	Copies of the minutes of the Commission's public meetings will also be made available on the Virginia Regulatory Town Hall and the Commission's Internet Website.	Recommended by the Department of Planning and Budget to comply with current statutory requirement.
1 VAC 50-20-390C	Commission may establish a schedule for its review of an interlocal issue to include dated for submission of responsive materials, for tours of affected areas and oral presentations, for a public hearing, and for the issuance of the Commission's report.	The Commission may also establish other dates at it deems appropriate affecting its review of an interlocal issue.	To give the Commission additional flexibility in the conduct of its review of an interlocal issue.
1 VAC 50-20-390K	Unless otherwise requested by the Commission or specified by the regulations, any projection of data is to be made for periods of time deemed appropriate and possible by the submitting party.	Unless otherwise requested by the Commission or specified by the regulations, any projection of data is to be made for a ten-year period.	Ensures that the projection of data will be for a standard period and reduces likelihood that parties would use different projection periods.
1 VAC 50-20-620M	The Commission requested that all materials, data, and exhibits be filed with it in advance of its oral presentations, but the Commission may accept late submissions where good cause is shown.	The Commission requires that all materials, data, and exhibits be filed before the commencement of the on-site component of its review; the Commission may accept late submission upon unanimous consent of the members present.	Ensures Commission and other parties have materials, data, and exhibits before on-site component of Commission's review begins; reduces "last-minute" submissions.

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

The Commission did not receive any oral or written comment during the public comment period following the publication of its proposed Organization and Regulations of Procedure.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
1 VAC 50-20-140	N/A	Any changes in the schedule and location of the Commission’s regular meetings would be announced in The Virginia Register.	Any changes in the schedule and location of the Commission’s regular meetings would also be announced on the Virginia Regulatory Town Hall. Recommended by the Department of Planning and Budget to increase public notification.
1 VAC 50-20-142	N/A	No public notice of called special meetings of the Commission.	Notice of special meetings would be announced in The Virginia Register and on the Virginia Regulatory Town Hall. Recommended by the Department of Planning and Budget to increase public notification.
1 VAC 50-20-150	N/A	Copies of minutes of Commission’s public meetings available at cost to cover the expense incurred.	Copies of the minutes of the Commission’s public meetings will also be made available on the Virginia Regulatory Town Hall and the Commission’s Internet Website. Recommended by the Department of Planning and Budget to comply with current statutory requirement.
1 VAC 50-20-390C	N/A	Commission may establish a schedule for its review of an interlocal issue to include dated for submission of responsive materials, for tours of affected areas and oral presentations, for a public hearing, and for the issuance of the Commission’s report.	The Commission may also establish other dates at it deems appropriate affecting its review of an interlocal issue. This change could give the Commission additional flexibility in the conduct of its review of an interlocal issue.
1 VAC 50-20-390K	N/A	Unless otherwise requested by the Commission or specified by the regulations, any projection of data is to be made for periods of time deemed appropriate and possible by the submitting party.	Unless otherwise requested by the Commission or specified by the regulations, any projection of data is to be made for a ten-year period. This change ensures that the projection of data will be for standard timeframes and reduces the likelihood that parties would use different projection periods.
1 VAC 50-20-620M	N/A	The Commission requested that all materials, data, and exhibits be filed with it in advance of its oral	The Commission requires that all materials, data, and exhibits be filed before the commencement of the on-site component of its review; the Commission may accept late

		presentations, but the Commission may accept late submissions where good cause is shown.	submission upon unanimous consent of the members present. The change is designed to reduce "last minute" submissions by the parties and ensure that the Commission and other participating entities have materials, data, and exhibits prior to the on-site component of the Commission's review.
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Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability.

The proposed regulatory action will have no impact on the institution of the family and family stability.